

## UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KHUSAR MOBLEY,

Defendant.

Case No. 12-cr-235-YGR-1

**ORDER RE: *BECKLES V. UNITED STATES*;  
DENYING MOTION TO STAY AS MOOT**

Re: Dkt. No. 229, 243

Defendant filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 on June 24, 2016. (Dkt. No. 229.) On September 6, 2016, the government filed a motion to stay proceedings as to defendant's section 2255 motion pending the United States Supreme Court's decision in *Beckles v. United States*, No. 15-8544, which could impact the grounds upon which defendant's section 2255 motion is based. (Dkt. No. 243.) On March 6, 2017, the Supreme Court issued its opinion in *Beckles v. United States*, -- S. Ct. ---, 2017 WL 8559781 (2017). In light of the Supreme Court's decision in *Beckles*, the Court **DENIES** the government's motion to stay at Docket Number 243 as moot.

The Court further **ORDERS** the parties to meet and confer and to file a joint statement regarding the effect of *Beckles* on the pending section 2255 motion. Such statement should include the parties' perspectives on whether additional briefing will be necessary, and, if so, the parties' proposed schedule and page limits for such briefing.

The Court **SETS** a compliance hearing for **Friday, April 21, 2017 at 9:01 a.m.** in the Federal Building, 1301 Clay Street, Oakland, California, Courtroom 1. No later than **April 14, 2017**, the parties must file the joint statement described above. If compliance is complete, the Court may vacate the hearing and the parties need not appear. Failure to comply may result in sanctions.

This Order terminates Docket Number 243.

**IT IS SO ORDERED.**

Dated: March 17, 2017



**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT COURT JUDGE**

United States District Court  
Northern District of California

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